

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

v.

02-cr-291

SHANE POWERS,

Defendant.

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THOMAS J. McAVOY  
Senior United States District Judge

**DECISION and ORDER**

Defendant Shane Powers entered a plea of guilty to a violation of 21 U.S.C. § 846 (conspiracy to possess with the intent to distribute and distribution of more than 100 kilograms of marijuana). Defendant was sentenced to a term of imprisonment of 24 months followed by 48 months of supervised release. Defendant now seeks an order modifying his term of supervised release by reducing the remaining period of supervised release. The basis for Defendant's motion is that he has been in full compliance with the terms and conditions of his supervised release, he has completed a drug and alcohol program, he has timely reported to his Probation Officer as required, and he has been gainfully employed since being released from prison.

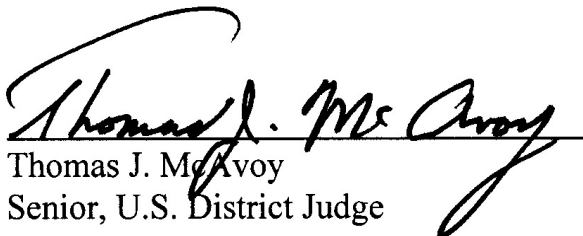
The government objects in part. The government objects to Defendant's being released from supervised release, but consents to a modification of the terms of supervised release such that Defendant can be transferred to the Compliant Case Load within the Office of United States Parole, Southern District of Florida, West Palm Beach, Florida. Under the

Compliant Case Load, Defendant would be permitted to report to his Probation Officer via telephone, rather than in person.

Based upon the Petition and the Government's opposition thereto, the Court GRANTS the Petition IN PART. Defendant's remaining term of supervised release is hereby MODIFIED insofar as the Court will not reduce the length of supervised release, but will permit his transfer to the Southern District of Florida's Compliant Case Load program if he is found to be eligible for that program by the United States Probation Office for the Southern District of Florida.

IT IS SO ORDERED.

Dated: December 15, 2008

  
Thomas J. McAvoy  
Senior, U.S. District Judge